

Radioactive Material License Amendment  
**Statement of Basis**

Envirocare of Utah, LLC.

July 13, 2005

**Purpose**

The purpose of Statement of Basis is to describe changes to Radioactive Material License (RML) Number UT2300249; the Envirocare of Utah LLC (Licensee) commercial radioactive waste disposal facility.

In a letter dated May 4, 2005, the Licensee requested the Division of Radiation Control (DRC) resume licensing actions regarding expanding current operations to include approximately 536 additional acres. Specifically the Licensee requested a change to: 1) License Condition 10, to expand its current operations into 536 additional acres. This change is discussed in greater detail below.

**Major License Changes**

1. Expand current operations to include 536 additional acres.

The Licensee is requesting the DRC to resume its review and approval to expand its current operations (excluding management of uranium mill tailings 11e(2) material) into 536 additional acres. In a letter dated May 4, 2005 (CD05-0228) the licensee requested the DRC resume its review to revise License Condition 10. In a letter dated June 28, 2005 (CD05-0324) the licensee stated it would not pursue a revision to its Uranium Mill Tailings License #UT 2300478 regarding mill tailings management.

The Licensee is requesting this expansion in order to receive, store, and dispose of Class A Low Level Waste and Mixed Waste. This may include new waste handling and decontamination facilities, rail line(s), administration building(s), and disposal cell(s). The requested expansion consists of approximately 536 acres, described in drawing 05044-C01.

Historically, the DRC has approved increases in disposal capacity, which met the requirements in Rule R313-25, on an "as needed basis." Currently, Envirocare has developed four disposal cells with the following approximate capacity if completely filled:

<b>Disposal Cell</b>	<b>Acreage</b>	<b>Capacity in Yards</b>
Low-Activity Radioactive Waste (LARW) Cell	34	2.2 million
Class A Cell	53	3.8 million
Class A North Cell	37	2.3 million
Mixed Waste (MW) Cell	21	2.1 million

Although the licensee is not prepared to speculate on specific plans for future

developments, it is reasonable to assume that additional disposal cell(s), similar in size and capacity to those described above, could be developed as well as ancillary facilities to support disposal operations.

However, since this land is outside of the approved disposal-site, the Licensee must receive Legislature and Governor approval, as specified in Utah Code, Title 19-3-105 (3) and (4), in addition to the license amendment.

The Licensee previously requested to amend the radioactive material license on March 4, 2005 (CD05-0103). After the DRC reviewed the amendment request to expand into Section 29, the Executive Secretary proposed certain conditions be placed in the License. A public comment period was held, and a public hearing. The comment period was from March 15, 2005 to April 15, 2005, with the public hearing held April 14, 2005.

Twelve people attended the hearing and nine individuals provided oral comments. In addition, twelve written comments were submitted by the end of the comment period. The following issues or concerns were stated during the hearing:

- Limited Liability Corporation
- Extend the Public Comment Period
- Fast track approach regarding expansion
- Sealed Sources
- Exposure rate change (go back to 5 mR/hr)
- Amendment should not be rushed
- Transportation issues and 10 yr Capacity
- Oppose increase regarding radioactive waste
- Land Ownership
- Lack of details
- Legislative Audit findings
- Ground Water issue Cedar Mtn. Section 29
- Legislative approval did not occur for initial license
- Public outreach, notice and process not adequate
- Dumping ground of the United States

The same issues were submitted in writing regarding the proposed changes to the Envirocare license. On April 18, 2005, Envirocare submitted a letter (CD05-0189) requesting DRC suspend licensing activities to incorporate Section 29 into the License. The DRC acknowledged their request and discontinued licensing activities until the May 4, 2005 letter requesting the DRC to resume this licensing action. Comments related to the expansion request were of radioactive waste policy and not technical in nature and therefore no specific action was taken by the DRC regarding the comments.

However, based on DRC's review of the public comments, the DRC requested additional information from the licensee in letter dated June 27, 2005, regarding 1) the management of 11e(2) mill tailings, and Mixed Waste(s) in existing areas of operations ; 2) Landownership; and 3) a revised redline/strikeout version of the license regarding specific conditions related to this amendment request. Envirocare responded in letter dated June 28, 2005 (CD05-324).

Based on DRC review, the DRC concurs with their response and their commitments. In addition, the DRC decided a public notification and comment period was necessary, due prior interest regarding this request.

Currently, RML UT 2300249, License Condition 10.A. states: "The Licensee may receive, store and dispose of licensed material at the Licensee's current facility" of operations. This condition will be revised to include the additional 536 acres. License condition 10 B. will define the facility boundaries by latitude and longitude coordinates, and condition 10.F. will contain specific requirements.

Based DRC's review of the amendment request dated May 4, 2005 (CD05-0228) to expand, and the additional information provided in letter dated June 28, 2005, the Executive Secretary proposes the following License conditions be placed in the RML as part of this amendment request:

Condition 10 F. Prior to any waste storage, treatment, management, or construction of significant facilities into the additional 536 acres, the licensee shall:

- i. Obtain written approval from the Executive Secretary prior to construction of significant facilities, which include but are not limited to: waste disposal units, waste management facilities, storm water, and wastewater related handling, waste storage, disposal, treatment, and transfer facilities.
- ii. Meet all the requirements in the Utah Ground Water Quality Protection Rules, (UAC R317-6), and the licensee's Ground Water Discharge Permit No. UGW450005.
- iii. Submit and obtain prior approval from the Executive Secretary a revised Environmental Monitoring Program that complies with R313-25-26.
- iii. Prior to any disposal cell construction; 1) have conducted a preoperational monitoring program as specified in R313-25-26(1); and 2) meet License issuance requirements specified in R313-25-11(3 through 9).and Utah Radiation Control Rule R313-25, as appropriate.